GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department– Appeal petition filed by Sri Gorrela Venkata Rao S/o G.Appala Ramanna, Occ: Manager, Oriental Bank of Commerce, Chennai, against the proceedings Rc.No.C4/5450/1988, dt.13.12.2006 of the District Collector, Prakasam- under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes an d Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition dismissed – Orders Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.Ms.No.85 **Dated:06.07.2016**

Read the following:

1. Proceedings of the Dist. Collector, Prakasam, Rc.No.C4/5450/1988, dt.13.12.2006.
2. From the orders of APHC., Hyderabad in WP.No.22776 of 2007, dt.22.01.2008.
3. Appeal Petition filed by Sri Gorrela Venkata Rao S/o G. Appala Ramanna, Occ:Manager, Oriental Bank of Commerce, Chennai, received through M(TW), dt.24.5.2008.
4. Govt. Letter No.4473/CV.2/2008-1, dated 02.07.2008.
5. From the orders of APHC., Hyd. in WP.No.14735/2008, dt:22.04.2014.
6. From the Dist. Collector, Prakasam, Lr.No.Rc.C4/741/2014, dated 06.11.2014
7. Govt. Memo. No.4473/CV.2/2008, dt.24.06.2015, 10.08.2015, 16.10.2015 & & 12.11.2015.
8. Govt. Memo. No.4473/CV.2/2008, dt.16.03.2016.

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ORDER:

In the reference 1st read above the District Collector, Prakasam has issued orders canceling ST- Konda Kapu Caste Certificate obtained from the then Tahsildar, Chirala in 1983 by Sri Gorrela Venkata Rao S/o G.Appala Ramanna.

2. In the reference 2nd read above, Sri Gorrela Venkata Rao S/o G.Appala Ramanna has filed W.P. No. 22776/2007 before the Hon'ble High Court, against the proceedings of the District Collector, Prakasam, dated 13.12.2006. In the reference 2nd read above, the Hon'ble High Court of Andhra Pradesh, while disposing the said WP on 22.01.2008 has issued stay orders on the proceedings of the District Collector, dated 13.12.2006 for a period of two months and the petitioner is permitted to prefer an appeal before the Government within a period of six weeks from date of issue of said order further ordered that on filing such an appeal, it is also open to the petitioner to file an interlocutory application for obtaining further appropriate interim orders. It is further made clear that if the appeal is not preferred within the time stipulated above, it is open for the respondents to proceed further in the matter according to law.

3. In the reference 3rd read above, Sri Gorrela Venkata Rao S/o G.Appala Ramanna has filed Appeal Petition before the Government against the said proceedings of the District Collector, Prakasam as per directions of the Hon'ble High Court in WP.No.22776 of 2007, dt.22.01.2008. After examining the said Appeal Petition, Government have rejected the said Appeal Petition of Sri Gorrela Venkata Rao S/o G.Appala Ramanna as a time barred case in the reference 4th read above.

4. Sri Gorrela Venkata Rao S/o G.Appala Ramanna, Prakasam District has filed W.P. No. 14735/2008 before the Hon'ble High Court, against the Govt. Letter No. 4473/CV.2/2008-1, dated 02.07.2008. In the reference 5th read above, the Hon'ble High Court of Andhra Pradesh, while disposing the said WP, on 22.04.2014 has directed the Government to take on record the appeal presented by the petitioner on 24.05.2008 and dispose of the same on merits. To ensure timely completion, it is made clear that after the appeal is taken on file and notice is issued for hearing, if the petitioner does not cooperate with the hearing of the matter, it is open to the Government to hear and dispose of the appeal on the material available on record. The above exercise shall be completed within a period of four months from the date of receipt of a copy of the order. The interim order granted by the Court on

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10.07.2008 shall be in force pending decision by the Government. But due to several administrative difficulties the matter could not be disposed before the said date however, after giving notices from time to time to the Appellant through his Counsel the matter has been examined by the Appellate Authority.

5. In the reference 6th read above, the District Collector, Prakasam has furnished the Parawise remarks and connected records on the said Appeal Petition filed by Sri Gorrela Venkata Rao S/o G.Appala Ramanna.

6. The said Appeal Petition has been posted for hearing on 25.07.2015, 22.08.2015, 31.10.2015, 28.11.2015 & finally on 09.04.2016 and the same has been informed to the Appellant and the Counsel for the Appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 7th & 8th read above.

7. As per the said directions of the Hon'ble High Court of A.P., Hyderabad, vide WP No. 14735/2008, dated 22.04.2014, the matter has been taken up for hearing and during the hearings after hearing both the sides and the Government after careful examination of the records/ the copies of evidences/academic record/ grounds filed by the Appellant and proceedings of the District Collector, Prakasam dated 13.12.2006 & parawise remarks of the District Collector, Prakasam dated 06.11.2014 and after hearing the arguments of Appellant & Counsel for the Appellant, the Appellate Authority observed that:

I. The appellant in his grounds has stated that his father belongs to ST-Konda Kapu community.

II. The DLSC has observed that the father of the appellant is not a native of Chirala town, but he migrated from the Buddivalasa village, Sarugujjala Mandal of Srikakulam District. The Appellant in his written statement before the DLSC on 15.05.2006, has stated that his grandfather late kannaiah is native of Buddivalasa village, Sarugujjala Mandal of Srikakulam District.

III. Further The Collector, Srikakulam has informed that the M.R.O., Sarubujjili Mandal has enquired into the caste status of Gorrela Appala Ramana at Buddivalsa H/o Chinakagitapalli Village, and the Villagers (Buddivalasa) have stated that the family of Appalaramanna has migrated about 50 years back, since then their details are not known and no one of the family is residing in the village with "Gorrella" surname, and they belongto 'kapu' (Thoorpu Kapu) only as categorized under BC – D as per state list, but they do not belong to konda kapu – ST caste and also no ST people are living in their village.

IV. The DLSC has also observed that the appellant's family have marital relations with "Thurupu Kapu" caste people which comes under BC-D. The Appellant don't know the festivals, marriages, surnames and 'Gotram' of Konda Kapu caste people and they doesn't know to perform the said festivals.

V. Finally the DLSC has observed that as per G.O. Ms. No.147, S.W.(E) Department, dated 27.04.1977, Revenue Officer not below the rank of Tahsildar or RDO/ Asst. Collector/ Sub-Collector of the Taluk/Division in whose jurisdiction Scheduled Tribe candidate claims nativity is empowered to issue ST-Konda Kapu caste certificate. But in the instant case the Appellant obtained the ST-Konda Kapu caste certificate from the Tahsildar, Chirala is against the said order and liable for cancellation as the Chirala (M) is not a Scheduled Area and to confirm his claim on migration basis, the Appellant doesn't produce any relevant material in support of his ST-Konda Kapu community claim in this regard.

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8. Further it is observed that the Appellant has not evinced any interest in prosecuting his interest in the above appeal and he has not produced any relevant documents/material in support of his claim ST-Konda Kapu community before the Appellate Authority even at the time of hearing. Further there is no evidence that the Appellant belongs to ST-Konda Kapu Community and the Appellant failed to produce any evidence even though lot of opportunity was given to her even by the Government. Further the Appellant has failed to prove that his grandparents, parents are having relatives of ST-Konda Kapu community. Further, whole evidence of Appellant is self defeating. The burden, on the Appellant U/S 6 is not discharged. The record filed by the Appellant reveals it is generated from Tahsildar, Chirala since inception for which there is no basis, the transfer certificate of the appellant issued by the school authorities can't be given any weithtage as it is generated based on the declaration given by the parent of the child at the time of the admission into the school. Unless the father or grandfather of the appellant or any his relatives is proved to be hill tribe (origin) of ST community the certificate issued in favour of the individual can't be sustained.Hence Government have examined the entire record & material relevant to the instant case and it is decided that the Appellant obtained caste certificate fraudulently and the Appellant has no iota of evidence to show that his grandparents, parents or any relatives belong to ST-Konda Kapu community. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity found either in the order of the DLSC or the learned District Collector, Prakasam. Basically there are no "Konda Kapu" people either in Chirala Prakasam District or in Srikakulam District with the surname of "Gorrela" and "Gorrela" surname people belongs to "Turupu Kapu" in Srkakulam District. Hence the Government is considered opinion that the Appellant played fraud and obtained certificate as "Konda Kapu".

9. The Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the Appeal Petition filed by Sri Gorrela Venkata Rao S/o G.Appala Ramanna does not deserve any interference. Hence, Proceedings of the District Collector, Prakasam issued vide Rc.No.C4/5450/1988, dt.13.12.2006 is hereby upheld and the Appeal Petition filed by Sri Gorrela Venkata Rao S/o G.Appala Ramanna is hereby dismissed..

10. Consequently, the District Collector, Prakasam shall take necessary action in the matter.

11. The records (containing Rc.No.C4/5450/1988, dt.13.12.2006) received from the District Collector, Prakasam through 6th read above, are returned herewith in original to the District Collector, Prakasam and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P.SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, Prakasam (w.e)
(with original records) (BY RPAD)

Sri Gorrela Venkata Rao S/o G.Appala Ramanna,
Occ: Manager, Oriental Bank of Commerce,
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Chennai, Tamilanadu.

Mr. P.P.K.Amerendra Kumar, Advocate,
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Copy to :

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Arun Doyen Apartments, Red Hills,
Hyderabad- 500 004.
The Director, TCR& TI, AP, Hyderabad.
The PS to M(SWE & TWE).
The PS to Principal Secretary(TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER